

bald, Alexander Ernest Archibald, and Frank Herbert Archibald, of Auckland, trading under the style or title of "Archibald Brothers" (hereinafter called "the licensees"), have applied to the Governor in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore, including the reclamations already constructed, on the Whau Creek, in Auckland Harbour, for use in connection with the brick and pipe making industry carried on by them, and, in accordance with the provisions of section one hundred and fifty of the said Act, have deposited a plan in the office of the Marine Department at Wellington, marked M.D. 4205, showing the areas of foreshore and reclamations intended to be occupied, and the locality of the same: And whereas the said plan has, prior to the making of this Order in Council, been approved by the Governor in Council: And whereas it is expedient that a license under the said Act for the purpose aforesaid should be granted and issued to the licensees on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the licensees as aforesaid; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the licensees to use and occupy those parts of the foreshore shown in red on plan M.D. 4205 so deposited as aforesaid, including the reclamations already constructed, for the purpose aforesaid, such license to be held and enjoyed by the licensees on the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

CONDITIONS.

1. In these conditions the term "Minister" means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to those parts of the foreshore, including the reclamations already constructed, shown as hereinbefore mentioned on the plan marked M.D. 4205, and deposited in the office of the Marine Department at Wellington.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensees shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter an annual sum of £10 in advance, dating from the date hereof, the first of such annual payments to be made on the licensees being supplied with a copy of this Order in Council.

4. The facings of the reclamations shall be constructed and maintained in a satisfactory manner to the satisfaction of the Minister, or such officer as he may appoint.

5. His Majesty or the Governor, and all officers in the Government service acting in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, over, and out of the said foreshore and reclamations without payment.

6. Any person authorized by the Minister may at all reasonable times enter upon the said foreshore and reclamations and view the state of repair thereof, and upon such Minister leaving at or posting to the last known address of the licensees a notice in writing of any defect or want of repair in the facing of such reclamations, requiring them within a reasonable time, to be therein prescribed, to repair the same, they shall with all reasonable speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the licensees to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or with any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1908, or its amendments, or any regulations made thereunder and that are now or may hereafter be in force.

8. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

9. The said rights, powers, and privileges may be at any time resumed by the Governor without payment of any compensation whatever, on giving to the licensees three calendar months' previous notice in writing. Such notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the licensees.

10. The licensees shall be liable for any injury which the said reclamations, or any other work placed or constructed thereon, may cause any vessel or boat to sustain through any default or neglect on the part of the licensees.

11. In case the licensees shall—

- (1.) Commit or suffer a breach of the conditions hereinafter set forth, or any of them;
- (2.) Cease to use or occupy the said foreshore and reclamations for a period of thirty consecutive days;
- (3.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy; or
- (4.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in any of the said cases this Order in Council, and every license, right, power, or privilege conferred thereunder, may be revoked and determined by the Governor in Council without any notice to the licensees or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees, and to all persons concerned or interested, that this Order in Council, and the rights and privileges thereby conferred, have been revoked and determined.

J. F. ANDREWS,
Clerk of the Executive Council.

Licensing Messrs. W. and R. Fletcher (Limited) to occupy a Part of the Foreshore of Whangarei Harbour as a Site for a Wharf.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twentieth day of January, 1914.

Present:

THE RIGHT HONOURABLE W. F. MASSEY PRESIDING IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Messrs. W. and R. Fletcher (Limited), (hereinafter called "the company") has applied to the Governor in Council for a license under the Harbours Act, 1908 (hereinafter called "the said Act"), to occupy a part of the foreshore and land below low-water mark in Whangarei Harbour, in order to erect and maintain thereon a wharf; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited plans in the office of the Marine Department, at Wellington (marked M.D. 4185), showing the place where it is intended to erect such wharf, the area of foreshore and land below low-water mark to be occupied for such purpose, and the manner in which it is proposed to erect the wharf: And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation; and the said plans have, prior to the making of this Order in Council, been approved by the Governor in Council, without modification or addition: And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the company, on the terms and conditions set forth in the Schedule hereto:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the company as aforesaid; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the company to use and occupy that part of the foreshore and land below low-water mark which are particularly shown and delineated on the plans marked M.D. 4185 so deposited as aforesaid, for the purpose of constructing or erecting thereon a wharf; such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.